

EXHIBIT 4
 DATE 4/18/11
 NO. HB 627

Cross-References

Power to contract — purchase of insurance by minors, 33-15-103.
 Marriage settlement by minors, 40-2-315.
 Obligations of children, Title 40, ch. 6, part 3.
 Discrimination — specific limits on justification, 49-2-403.

Part 4

Consent for Health Services

Part Cross-References

Consent in general, Title 28, ch. 2, part 3.
 Circumstances that affect validity of apparent consent, Title 28, ch. 2, part 4.
 Health provisions relating to children, 50-1-202, 50-5-101, 50-15-101, 50-15-108, 50-15-109, 50-15-203, 50-15-302, 50-17-110, 50-30-201 through 50-30-220.
 Medical assistance for children, 53-6-101, 53-6-104.
 Treatment of persons with developmental disabilities, Title 53, ch. 20, part 1.
 Treatment of seriously mentally ill, Title 53, ch. 21, part 1.

41-1-401. Definitions. As used in this part, the following definitions apply:

- (1) "Emancipated minor" means an individual under 18 years of age who:
 - (a) is or has been married;
 - (b) is separated from the individual's parent, parents, or legal guardian and is self-supporting; or
 - (c) has been granted the right to consent to medical treatment pursuant to an order of limited emancipation granted by a court pursuant to 41-3-438.
- (2) "Health care facility" has the meaning provided in 50-5-101.
- (3) "Health professional" includes only those persons licensed in Montana as physicians, psychiatrists, psychologists, advanced practice registered nurses, dentists, physician assistants, professional counselors, or social workers.

History: En. 69-6105.1 by Sec. 6, Ch. 312, L. 1974; R.C.M. 1947, 69-6105.1; amd. Sec. 1, Ch. 396, L. 2003; amd. Sec. 21, Ch. 519, L. 2005.

Cross-References

Licensing — practice of medicine, Title 37, ch. 3, part 3.
 Licensing — dentists, Title 37, ch. 4, part 3.
 Licensing — psychologists, Title 37, ch. 17, part 3.

41-1-402. Validity of consent of minor for health services. (1) This part does not limit the right of an emancipated minor to consent to the provision of health services or to control access to protected health care information under applicable law.

(2) The consent to the provision of health services and to control access to protected health care information by a health care facility or to the performance of health services by a health professional may be given by a minor who professes or is found to meet any of the following descriptions:

- (a) a minor who professes to be or to have been married or to have had a child or graduated from high school;
- (b) a minor who professes to be or is found to be separated from the minor's parent, parents, or legal guardian for whatever reason and is providing self-support by whatever means;
- (c) a minor who professes or is found to be pregnant or afflicted with any reportable communicable disease, including a sexually transmitted disease, or drug and substance abuse, including alcohol. This self-consent applies only to the prevention, diagnosis, and treatment of those conditions specified in this subsection. The self-consent in the case of pregnancy, a sexually transmitted disease, or drug and substance abuse also obliges the health professional, if the health professional accepts the responsibility for treatment, to counsel the minor or to refer the minor to another health professional for counseling.
- (d) a minor who needs emergency care, including transfusions, without which the minor's health will be jeopardized. If emergency care is rendered, the parent, parents, or legal guardian must be informed as soon as practical except under the circumstances mentioned in this subsection (2).
- (3) A minor who has had a child may give effective consent to health service for the child.
- (4) A minor may give consent for health care for the minor's spouse if the spouse is unable to give consent by reason of physical or mental incapacity.